
STATUTORY INSTRUMENTS

1993 No. 1814

PENSIONS

**The Local Government Superannuation
(Part-time Employees) Regulations 1993**

<i>Made</i>	- - - -	<i>20th July 1993</i>
<i>Laid before Parliament</i>		<i>27th July 1993</i>
<i>Coming into force</i>	- -	<i>17th August 1993</i>

The Secretary of State, in exercise of the powers conferred on him by sections 7 and 12 of the Superannuation Act 1972(1) and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appeared to him to be concerned, the local authorities with whom consultation appeared to him to be desirable and such representatives of other persons likely to be affected by the Regulations as appeared to him to be appropriate, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Superannuation (Part-time Employees) Regulations 1993 and shall come into force on 17th August 1993, but regulation 6 shall have effect as from 17th September 1990.

(2) In these Regulations “the principal Regulations” means the Local Government Superannuation Regulations 1986(2).

Payments by Employees

2. Part C of the principal Regulations shall be amended by inserting after regulation C6 the following regulation:

“Payments in respect of previous part-time service

C6A.—(1) Where—

- (a) a person elects under regulation B1A(1) to become a pensionable employee; and
- (b) pursuant to paragraph 5 of Part IV of Schedule 2, the notice of election specifies that the election shall have effect from a date earlier than the date of the election;

(1) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).
(2) S.I.1986/24; relevant amending instruments are S.I. 1987/293; 1988/466; 1992/172.

the person shall make a payment into the appropriate superannuation fund in order for the election to have effect from the date specified in the notice.

(2) The amount of the payment under paragraph (1) is an amount equal to the contributions which the person would have been required to make under regulation C2 if he had throughout the period from the specified date to the date of the election been a pensionable employee.

(3) A payment under paragraph (1) is to be made, unless the employing authority allow a longer period, within 6 months of the date on which the person is notified by the employing authority of its amount.

(4) A payment under paragraph (1) is to be treated for the purposes of these Regulations as if it consisted of contributions made under regulation C2 in respect of employment in which the person was a pensionable employee.”.

Service

3. Part D of the principal Regulations shall be amended by inserting after regulation D8 the following regulation:

“Previous service of certain part-time employees

D8A. A pensionable employee who has made a payment under regulation C6A is entitled to reckon as reckonable service in relation to the employment in respect of which he has elected under regulation B1A(1) to become a pensionable employee the period for which the payment was made.”.

Saving for entitlement to gratuities

4. Part K of the principal Regulations shall be amended as follows:

(a) in regulation K1, there shall be inserted after paragraph (3)(d) the following words—

“or

(e) during which he is not a pensionable employee by virtue of a notification under regulation B1B or a failure to elect under regulation B1A, unless he—

(i) was employed by a scheduled body on 17th August 1993;

(ii) had attained the age of 50 before that date; and

(iii) immediately before that date was disqualified from being a pensionable employee because his contractual hours were fewer than 15.”;

(b) in the definition of “D” in regulation K4(1), there shall be inserted after the word “is” the words

“either—

(i) in respect of a person whose contractual hours are fewer than 15, the length in years and days of that person’s service after 16th August 1993 except, in the case of a person who had not before 17th August 1993 attained the age of 50, any service which would have become reckonable as reckonable service if he had on 17th August 1993 made an election under regulation B1A or regulation B1C; or

(ii) in any other case,”.

Qualifying part-time employment

5. Part IV of Schedule 2 to the principal Regulations shall be amended as follows:
- (a) in paragraph 1,—
 - (i) in sub-paragraph (2), the words “15 or more but” shall be deleted;
 - (ii) in sub-paragraph (3), paragraph (b) and the word “and” immediately preceding it shall be deleted;
 - (iii) in sub-paragraph (4), there shall be added the following words—
 - “or
 - (e) it is an employment in which the person is employed as a member of a fire brigade maintained in pursuance of the Fire Services Act 1947 on terms under which he is or may be required to engage in fire fighting;”(3);
 - (iv) for sub-paragraph (7) there shall be substituted the following—
 - “(7) Where a person has given a notification under regulation B1B and has ceased to be a pensionable employee, but before giving that notice he had been a pensionable employee in a qualifying part-time employment by virtue of an election made before 6th April 1988 under paragraph 1(1) above (before its amendment by the Local Government (Superannuation and Compensation) (Amendment) Regulations 1988), he may only make a subsequent election under regulation B1C if he is in a qualifying part-time employment (or falls within some other description of pensionable employee in regulation B1).”(4);
 - (b) at the end, there shall be added the following paragraph:
 - “5. Subject to regulation C6A, where on 17th August 1993 a person—
 - (a) is in a qualifying part-time employment,
 - (b) becomes on that date eligible to elect under regulation B1A(1) to become a pensionable employee by virtue of the amendment of paragraph 1(2) above by the Local Government Superannuation (Part-time Employees) Regulations 1993, and
 - (c) before 17th February 1994 gives notice of election under regulation B1A(1),the election shall have effect in accordance with regulation B1A unless the notice specifies that the election shall have effect from the date on which he commenced the qualifying part-time employment or 1st January 1993 whichever is the later.”.

Additional ill-health service in respect of part-time service

6. Paragraph 1 of Schedule 9 to the principal Regulations shall be amended as follows—
- (a) in sub-paragraph (2)(b)(ii) the words from “except” to the end shall be deleted; and
 - (b) at the end the following sub-paragraphs shall be added—
 - “(3) In sub-paragraph (2)(b)(ii) above “subsequent reckonable service” does not include an additional period purchased by a lump sum or additional contributions except, subject to sub-paragraph (4) below, where the additional period was purchased on or after 17th September 1990 under regulation C7A.
 - (4) Where the additional period to which a person is to be treated as being entitled to reckon as reckonable service would be a longer period if, in calculating the person’s

(3) 1947 c. 41.

(4) S.I. 1988/466.

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relevant reckonable service, an additional period purchased under regulation C7A were to be disregarded instead of being taken into account, the additional period so purchased shall be disregarded.”.

Signed by authority of the Secretary of State

20th July 1993

David Curry
Minister of State,
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government Superannuation Regulations 1986.

The Regulations abolish the requirement that part-time employees must work at least 15 hours a week in order to qualify for membership of the local authority superannuation scheme. The change comes into force on 17th August 1993 but persons employed on that date may calculate their service from the date on which they became an employee or 1st January 1993 whichever is the later.

The Regulations also make provision for the exclusion of part-time firemen who would otherwise have been eligible for entry to the scheme as a result of the abolition of the minimum hours requirement.

The Regulations further provide for a part-time employee's pension enhancement for ill health to include reckonable service purchased by additional contributions or a lump sum paid on or after 17th September 1990. The enabling provision for the retrospective effect is section 12 of the Superannuation Act 1972.

A saving is included to allow persons over 50 who do not opt into the scheme a right to be considered for gratuities paid under the 1986 Regulations but other than from the superannuation fund.